

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

<b>SARAH UPDIKE, <i>et al.</i></b>	:	Case No. 1:22-cv-00374
	:	
Plaintiffs,	:	Judge Michael R. Barrett
	:	
v.	:	
	:	
<b>SARA JONAS, <i>et al.</i></b>	:	<b><u>PLAINTIFFS' MOTION FOR</u></b>
	:	<b><u>EXPEDITED DISCOVERY</u></b>
	:	
Defendants.	:	
	:	
	:	
	:	

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Plaintiffs Sarah Updike, *et al.*, hereby move pursuant to Federal Civil Rule 26(d) for leave to immediately commence discovery prior to the parties' Civil Rule 26(f) conference, and pursuant to Civil Rules 33(b)(2) and 34(b)(2) for an order expediting discovery and requiring Defendants to respond to written discovery served upon them within seven (7) days. A memorandum in support follows.

Dated: July 4, 2022

Respectfully submitted,

s/W. Kelly Lundrigan  
s/ Nicole M. Lundrigan  
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## **MEMORANDUM IN SUPPORT**

### **I. INTRODUCTION**

This case challenges the constitutionality of the “Resolution to Create a Culture of Kindness and Equal Opportunity for All Students and Staff” (the “Resolution”) passed by three members of the Board of Education of FHSD on or about June 22, 2022. Plaintiffs allege the Resolution is Constitutionally infirm on its face, and also discriminatory in its purpose. *See, e.g.,* Verified Compl., ¶¶27, 36, 49. Plaintiffs have filed a Motion for Temporary Restraining Order (“TRO”) and Preliminary Injunction. As this Court is aware, a TRO lasts for fourteen (14) days unless extended by agreement of the parties or by the Court for an additional fourteen (14) days. Therefore, regardless of the Court’s action on Plaintiffs’ request for a TRO, an evidentiary preliminary injunction hearing will be necessary in short order.

Federal Civil Rule 26(d) provides, in general, that discovery may not commence until the parties conduct their Rule 26(f) conference. However, the court may authorize the earlier commencement of discovery. *See* Civil Rule 26(d). Similarly, Federal Civil Rules 33(b)(2) and 34(b)(2) permit this Court to alter the general thirty (30) day time period for responding to written discovery.

Given the nature of this proceeding and likely timing of an evidentiary preliminary injunction hearing, Plaintiffs respectfully request that this Court grant them leave to commence discovery immediately, and further order that discovery be expedited in this matter and Defendants be required to respond in full, including the production of responsive documents, within seven (7) days of the service of discovery upon them.

Dated: July 4, 2022

Respectfully submitted,

s/W. Kelly Lundrigan

s/ Nicole M. Lundrigan

W. Kelly Lundrigan (0059211)

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**Certificate of Service**

The undersigned hereby certifies that a copy of the foregoing has been served via email upon this following this 4<sup>th</sup> day of July, 2022:

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The following were placed in the mail for service via U.S. mail this 4<sup>th</sup> day of July, 2022:

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s/ Nicole M. Lundrigan